

Appl. No. 09/470,116
Amdt. dated August 1, 2005
Reply to Office action of February 2, 2005
Attorney Docket No. 11016.02
Express Mail No. EV 447 216 005 US

Amendments to the Drawings:

Corrected drawings in compliance with 37 CFR § 1.121 are submitted herewith. The attached sheets, which include Figs. 1-11b, and numbered sheets 1/10 – 10/10, replace the original sheets.

Attachment: Replacement Sheets (10 sheets).

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REMARKS

This Amendment and Response is filed contemporaneously with a Petition for a three-Month Extension of Time and associated fee. Should any additional filing fees associated with this amendment be necessary, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary. A Request for Continued Examination and associated fee is also filed herewith.

Applicants respectfully request reconsideration of the outstanding rejections for the reasons that follow.

A. Submission of the Drawings:

Corrected drawings in compliance with 37 CFR § 1.121 are submitted herewith. The attached sheets, which included Figs. 1-11b, and numbered sheets 1/10 – 10/10, replace the original sheets.

B. Claims Objection:

Claims 11, 20 and 21 were objected to for various informalities. These claims have been corrected to address the Examiner's concerns.

C. Rejection Under §102 Addressed

Claims 1-5 and 7-10 are rejected under 35 U.S.C. §102(b) as anticipated by Blair (US Patent No. 4,895,165 A).

The rejection is respectfully traversed for amended claim 1 and dependent claims thereto, claims 2-5 and 7-10. Blair does not teach or suggest all the claim limitations found in amended claim 1. Amended claim 1 is a self-contained electronic estrus detection device for indicating

optimum breeding time in an animal. The claimed device detects and processes information related to breeding time for the animal, and compares the detected and processed information to predetermined/pre-set information that provides a threshold that must be exceeded for an indication of optimum breeding time.

The predetermined and pre-set information is specific to the determination that an animal is at optimum breeding time, not just undergoing breeding activity. Blair does not suggest or teach a self-contained electronic estrus device for indicating optimum breeding time. Rather Blair recites a detector that shows the total number of mounts and the sum of the total times elapsed during each sensed mount taken together (see col. 1, lines 57-66). Blair does not electronically compare the detected information to threshold information that is indicative of optimum breeding time. This is not an indication of optimum breeding time as determined by this electronic comparison, as claimed in amended claim 1, but rather an indication of the function of number of mounts and sum of total times elapsed during any sensed mount taken together.

As such, Applicants respectfully request withdrawal of the rejection to claim 1 and dependent claims thereto (2-4 and 7-10).

D. Rejection Under §103 Addressed

Claims 6 and 11-19 are rejected under 35 U.S.C. §103(a) as anticipated by Blair (US Patent No. 4,895,165 A) in view of Starzl et al (US Patent No. 5,542,431). The rejection is respectfully traversed. Applicant's amended claim 1, and dependent claims thereto, is directed to a self-contained electronic estrus detection device for indicating optimum breeding time in an animal. The claimed device detects and processes information related to breeding time for the animal, and electronically compares the detected and processed information to predetermined/pre-set information that provides a threshold that must be exceeded for an indication of optimum breeding time. The determination is made on the self-contained device on the animal. The teachings in Blair and Starzl, alone or in combination, fail to teach or suggest

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this self-contained device for indicating optimum breeding time for an animal. As noted above, Blair recites a detector that shows a total number of mounts on an animal and the sum of the total times elapsed during each sensed mount, taken together (see col. 1, lines 57-66). This is not an indication of optimum breeding time, as claimed in amended claim 1, but rather an indication of the function of number of mounts and sum of total times elapsed during any sensed mount taken together. Starzl recites a system and methodology wherein a transmitter module on the animal obtains and transmits data to a central receiver module, which is forwarded to a computer module. The data received by the computer module is processed by dedicated software and a determination made by the computer software on whether the heat cycle for a particular animal has been started. Identification information is transmitted with data from the transmitter module on the animal to reliably connect data with the animal. The combination of Blair and Starzl, therefor, does not teach or suggest a self-contained electronic estrus detection device for indicating optimum breeding timing as claimed.

As such, it is believed that claims 6 and 11-19 are allowable for at least the reasons cited above. Prompt allowance of these claims is respectfully solicited. Applicants, therefore, request the withdrawal of the §103(a) rejections to claims 6, and 11-19.

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SUMMARY

The Director is hereby authorized to charge payment of the requisite fees in the total amount of \$905.00 (\$510.00) for the amendment and extension of time and (\$395.00) for the Request for Continued Examination (RCE) to Deposit Account No. 04-1415. Should any additional filing fees associated with this amendment be necessary, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary.

The Applicants thank the Examiner for his thorough review of the claims in this application. Further, the Applicants submit that the application is now in condition for allowance, and respectfully request that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicants invite the Examiner to contact the undersigned attorney at (303) 629-3400.

The Applicants respectfully request a timely Notice of Allowance be issued in this case.

Dated this 1st day of August, 2005

Respectfully submitted:



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PJP/sd
cc: IP Docketing